

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ELISA ZAYAS ZAYAS

Debtor

MONEY EXPRESS

Movant

CASE No.: 15-07825 (ESL)

CHAPTER 13

(X) 11 U.S.C. §1307(c)(1) and (6), on *Dismissal for cause*

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now **MONEY EXPRESS** through its undersigning attorney and very respectfully alleges, states and prays:

1. The case of reference was filed on October 5, 2015. The plan dated December 12, 2015 (docket no. 13) was confirmed on April 7, 2016 (docket no. 24).

2. Movant filed an unsecured proof of claim in the amount of \$4,411.11 regarding account no. 5249, identified as no. 2 at Claims' Register.

3. Debtor failed to comply with payments under the terms of the confirmed plan.

According to the records made available by the Trustee as of October 16, 2020 Debtor owes \$1,122.11, equivalent to 6.41 months due. (See Attachment "A".) [Movant's analysis on payments has been included with this motion as Attachment "B".] Debtor's inability to keep current payments to the trustee constitutes sufficient cause to request the dismissal of the instant case pursuant to the provisions of 11 U.S.C. §1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors.

4. Pursuant to the *Service Members Civil Relief Act*, the data of the Department of the Defense Manpower Data Center confirms that debtor is not a member of the Uniformed Services (U.S. Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health or Coast Guard.) (See Attachment "C".)

WHEREFORE for the above stated reasons, Movant respectfully requests from this Honorable Court to enter an order dismissing the instant case for cause, pursuant to the

Motion to dismiss
FIRSTBANK Puerto Rico

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dispositions of 11 U.S.C. §1307(c)(6), on the grounds of *material default by the debtor to the terms of the confirmed plan* and 11 U.S.C. §1307(c)(1) for *unreasonable delay by the debtor that is prejudicial to creditors*.

NOTICE

Within thirty (30) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served or any other party to the action who objects to the relief sought herein, shall file and serve an objection or other appropriate response to this motion with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law, (2) the requested relief is against public policy or (iii) in the opinion of the Court, the interest of justice requires otherwise. (Local Bankruptcy Rule 9013-1(c)(2)(F)).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of October, 2020.

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address to all creditors; Alejandro Oliveras Rivera, Esq., Chapter 13 Trustee; Roberto Figueroa Carrasquillo, Esq., counsel for debtor, and to debtor by regular mail to the address of record: HC-20 Box 26375, San Lorenzo, P.R. 00754, as per the *List of Creditors*.

//s// Maricarmen Colón Díaz
MARICARMEN COLON DIAZ, Esq.
Attorney for Movant - USDC 211410
MARIA M. BENABE RIVERA - USDC 208906
P.O. Box 9146, Santurce, P.R. 00908-0146
Centro de Servicios al Consumidor (248)
1130 Muñoz Rivera Ave., San Juan, P.R.
Tel. (787) 729-8135 / Fax (787) 729-8276
maricarmen.colon@firstbankpr.com

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15-07825-ESL	ELISA ZAYAS ZAYAS	\$175.00 MO	Bar Date(s): 2/7/2016 (has passed) 4/2/2016 (has passed)
			Confirmed: 4/7/2016
	Trustee: ALEJANDRO OLIVERAS RIVERA	Attorney: ROBERTO FIGUEROA CARRASQUILLO*	Case Status: ACTIVE-PRE-CLOSING AUDIT

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
11/4/2015	60.00	\$175.00	MONTHLY	ELISA ZAYAS ZAYAS	10/6/2015	
11/4/2020	end of plan	\$0.00	MONTHLY	ELISA ZAYAS ZAYAS	10/6/2015	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	11/4/2015	12/3/2015	\$175.00	\$175.00
2	12/4/2015	1/3/2016	\$175.00	\$350.00
3	1/4/2016	2/3/2016	\$175.00	\$525.00
4	2/4/2016	3/3/2016	\$175.00	\$700.00
5	3/4/2016	4/3/2016	\$175.00	\$875.00
6	4/4/2016	5/3/2016	\$175.00	\$1,050.00
7	5/4/2016	6/3/2016	\$175.00	\$1,225.00
8	6/4/2016	7/3/2016	\$175.00	\$1,400.00
9	7/4/2016	8/3/2016	\$175.00	\$1,575.00
10	8/4/2016	9/3/2016	\$175.00	\$1,750.00
11	9/4/2016	10/3/2016	\$175.00	\$1,925.00
12	10/4/2016	11/3/2016	\$175.00	\$2,100.00
13	11/4/2016	12/3/2016	\$175.00	\$2,275.00
14	12/4/2016	1/3/2017	\$175.00	\$2,450.00
15	1/4/2017	2/3/2017	\$175.00	\$2,625.00
16	2/4/2017	3/3/2017	\$175.00	\$2,800.00
17	3/4/2017	4/3/2017	\$175.00	\$2,975.00
18	4/4/2017	5/3/2017	\$175.00	\$3,150.00
19	5/4/2017	6/3/2017	\$175.00	\$3,325.00
20	6/4/2017	7/3/2017	\$175.00	\$3,500.00
21	7/4/2017	8/3/2017	\$175.00	\$3,675.00
22	8/4/2017	9/3/2017	\$175.00	\$3,850.00
23	9/4/2017	10/3/2017	\$175.00	\$4,025.00
24	10/4/2017	11/3/2017	\$175.00	\$4,200.00
25	11/4/2017	12/3/2017	\$175.00	\$4,375.00
26	12/4/2017	1/3/2018	\$175.00	\$4,550.00
27	1/4/2018	2/3/2018	\$175.00	\$4,725.00
28	2/4/2018	3/3/2018	\$175.00	\$4,900.00
29	3/4/2018	4/3/2018	\$175.00	\$5,075.00
30	4/4/2018	5/3/2018	\$175.00	\$5,250.00
31	5/4/2018	6/3/2018	\$175.00	\$5,425.00
32	6/4/2018	7/3/2018	\$175.00	\$5,600.00
33	7/4/2018	8/3/2018	\$175.00	\$5,775.00
34	8/4/2018	9/3/2018	\$175.00	\$5,950.00
35	9/4/2018	10/3/2018	\$175.00	\$6,125.00
36	10/4/2018	11/3/2018	\$175.00	\$6,300.00
37	11/4/2018	12/3/2018	\$175.00	\$6,475.00
38	12/4/2018	1/3/2019	\$175.00	\$6,650.00
39	1/4/2019	2/3/2019	\$175.00	\$6,825.00
40	2/4/2019	3/3/2019	\$175.00	\$7,000.00
41	3/4/2019	4/3/2019	\$175.00	\$7,175.00

42	4/4/2019	5/3/2019	\$175.00	\$7,350.00
43	5/4/2019	6/3/2019	\$175.00	\$7,525.00
44	6/4/2019	7/3/2019	\$175.00	\$7,700.00
45	7/4/2019	8/3/2019	\$175.00	\$7,875.00
46	8/4/2019	9/3/2019	\$175.00	\$8,050.00
47	9/4/2019	10/3/2019	\$175.00	\$8,225.00
48	10/4/2019	11/3/2019	\$175.00	\$8,400.00
49	11/4/2019	12/3/2019	\$175.00	\$8,575.00
50	12/4/2019	1/3/2020	\$175.00	\$8,750.00
51	1/4/2020	2/3/2020	\$175.00	\$8,925.00
52	2/4/2020	3/3/2020	\$175.00	\$9,100.00
53	3/4/2020	4/3/2020	\$175.00	\$9,275.00
54	4/4/2020	5/3/2020	\$175.00	\$9,450.00
55	5/4/2020	6/3/2020	\$175.00	\$9,625.00
56	6/4/2020	7/3/2020	\$175.00	\$9,800.00
57	7/4/2020	8/3/2020	\$175.00	\$9,975.00
58	8/4/2020	9/3/2020	\$175.00	\$10,150.00
59	9/4/2020	10/3/2020	\$175.00	\$10,325.00
60	10/4/2020	11/3/2020	\$175.00	\$10,500.00
Total				\$10,500.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	11/4/2020	12/3/2020	\$0.00	\$0.00
2	12/4/2020	1/3/2021	\$0.00	\$0.00
3	1/4/2021	2/3/2021	\$0.00	\$0.00
4	2/4/2021	3/3/2021	\$0.00	\$0.00
5	3/4/2021	4/3/2021	\$0.00	\$0.00
6	4/4/2021	5/3/2021	\$0.00	\$0.00
7	5/4/2021	6/3/2021	\$0.00	\$0.00
8	6/4/2021	7/3/2021	\$0.00	\$0.00
9	7/4/2021	8/3/2021	\$0.00	\$0.00
10	8/4/2021	9/3/2021	\$0.00	\$0.00
11	9/4/2021	10/3/2021	\$0.00	\$0.00
12	10/4/2021	11/3/2021	\$0.00	\$0.00
13	11/4/2021	12/3/2021	\$0.00	\$0.00
14	12/4/2021	1/3/2022	\$0.00	\$0.00
15	1/4/2022	2/3/2022	\$0.00	\$0.00
16	2/4/2022	3/3/2022	\$0.00	\$0.00
17	3/4/2022	4/3/2022	\$0.00	\$0.00
18	4/4/2022	5/3/2022	\$0.00	\$0.00
19	5/4/2022	6/3/2022	\$0.00	\$0.00
20	6/4/2022	7/3/2022	\$0.00	\$0.00
21	7/4/2022	8/3/2022	\$0.00	\$0.00
22	8/4/2022	9/3/2022	\$0.00	\$0.00
23	9/4/2022	10/3/2022	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	11/2015	\$175.00	\$175.00		\$0.00
2	12/2015	\$175.00			\$175.00
3	1/2016	\$175.00	\$175.00		\$175.00
4	2/2016	\$175.00	\$175.00		\$175.00
5	3/2016	\$175.00	\$175.00		\$175.00
6	4/2016	\$175.00	\$175.00		\$175.00
7	5/2016	\$175.00	\$175.00		\$175.00
8	6/2016	\$175.00	\$175.00		\$175.00
9	7/2016	\$175.00	\$175.00		\$175.00
10	8/2016	\$175.00	\$175.00		\$175.00
11	9/2016	\$175.00	\$175.00		\$175.00
12	10/2016	\$175.00	\$175.00		\$175.00

13	11/2016	\$175.00		\$350.00
14	12/2016	\$175.00	\$175.00	\$350.00
15	1/2017	\$175.00	\$350.00	\$175.00
16	2/2017	\$175.00	\$350.00	\$0.00
17	3/2017	\$175.00		\$175.00
18	4/2017	\$175.00	\$175.00	\$175.00
19	5/2017	\$175.00	\$175.00	\$175.00
20	6/2017	\$175.00	\$175.00	\$175.00
21	7/2017	\$175.00		\$350.00
22	8/2017	\$175.00	\$175.00	\$350.00
23	9/2017	\$175.00	\$350.00	\$175.00
24	10/2017	\$175.00		\$350.00
25	11/2017	\$175.00		\$525.00
26	12/2017	\$175.00	\$700.00	\$0.00
27	1/2018	\$175.00		\$175.00
28	2/2018	\$175.00	\$175.00	\$175.00
29	3/2018	\$175.00	\$175.00	\$175.00
30	4/2018	\$175.00	\$350.00	\$0.00
31	5/2018	\$175.00		\$175.00
32	6/2018	\$175.00	\$175.00	\$175.00
33	7/2018	\$175.00	\$175.00	\$175.00
34	8/2018	\$175.00	\$175.00	\$175.00
35	9/2018	\$175.00	\$175.00	\$175.00
36	10/2018	\$175.00		\$350.00
37	11/2018	\$175.00	\$175.00	\$350.00
38	12/2018	\$175.00	\$525.00	\$0.00
39	1/2019	\$175.00		\$175.00
40	2/2019	\$175.00	\$175.00	\$175.00
41	3/2019	\$175.00	\$175.00	\$175.00
42	4/2019	\$175.00	\$175.00	\$175.00
43	5/2019	\$175.00		\$350.00
44	6/2019	\$175.00	\$175.00	\$350.00
45	7/2019	\$175.00	\$350.00	\$175.00
46	8/2019	\$175.00		\$350.00
47	9/2019	\$175.00	\$350.00	\$175.00
48	10/2019	\$175.00		\$350.00
49	11/2019	\$175.00	\$175.00	\$350.00
50	12/2019	\$175.00	\$175.00	\$350.00
51	1/2020	\$175.00	\$175.00	\$350.00
52	2/2020	\$175.00		\$525.00
53	3/2020	\$175.00	\$175.00	\$525.00
54	4/2020	\$175.00	(\$159.69)	\$859.69
55	5/2020	\$175.00		\$1,034.69
56	6/2020	\$175.00		\$1,209.69
57	7/2020	\$175.00		\$1,384.69
58	8/2020	\$175.00	\$612.50	\$947.19
59	9/2020	\$175.00		\$1,122.19
60	10/2020	\$175.00	\$175.00	\$1,122.19

Total Delinquent Amount: \$1,122.19



Attachment "B"

Analysis Sheet to Determine Arrears to Trustee

IN RE :	ELISA ZAYAS ZAYAS	Case #	15-07825 ESL
Date petition filed:	5-Oct-15		
First payment due date :	5-Nov-15		
According to Plan Dated on:	22-Dec-15		
Monthly Payment of :	\$ 175.00		
Term :	60		
Pass Term:	60		
Should Have Paid In:	\$ 10,500.00		
Total Paid Into Plan:	\$ 9,202.81		
Amount in Arrears:	\$ 1,297.19		
Total Amount due:	\$1,122.19 (6.41 months)		
Printed On :	16-Oct-20		
Prepared by :	MARICARMEN COLON, Esq.		



Status Report Pursuant to Servicemembers Civil Relief Act

Attachment "c"

SSN: XXX-XX-4255
Birth Date: May-XX-1986
Last Name: ZAYAS ZAYAS
First Name: ELISA
Middle Name:
Status As Of: Oct-16-2020
Certificate ID: SYPDW6WQ8QCJXGL

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955